

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOC #:

DATE FILED: 3/13/2014

CHRISTOPHER GONYER, *individually and on
behalf of all others similarly situated,*

Plaintiffs,

-v-

No. 13 Civ. 8488 (RJS)

ORDER

VANE LINE BUNKERING, INC. d/b/a VANE
BROTHERS COMPANY,

Defendant.

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of letters from the parties, dated March 4 and 11, 2014, regarding the conduct of discovery in this action. (Doc. Nos. 31, 32.) Defendant urges the Court to bifurcate discovery by permitting limited “jurisdictional discovery” on whether Defendant willfully violated the Federal Labor Standards Act (“FLSA”) and whether, in the absence of federal question jurisdiction, Plaintiffs could meet the jurisdictional requirements of the Class Action Fairness Act, 28 U.S.C. § 1332(d). The Court is not persuaded that this course of action is necessary or efficient. The discovery Defendant seeks necessarily overlaps with broader discovery into the merits of the case and is not purely jurisdictional, since the question of Defendant’s willfulness goes to the statute of limitations, which is an affirmative defense, not a jurisdictional defect.

Accordingly, IT IS HEREBY ORDERED THAT the parties shall submit a joint proposed case management plan and scheduling order no later than March 17, 2014 setting deadlines for full discovery.

A template for the order is available at:

http://www.nysd.uscourts.gov/cases/show.php?db=judge_info&id=925.

SO ORDERED.

Dated: March 12, 2014
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE